IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7310 of 2005

KISHAN GOPAL & ORS.
V/S
STATE & ORS.

Mr. VARUN GOYAL, for the appellant / petitioner

Mr. NM LODHA,AAG, Mr.BL BHATI,AGA,, for the respondent

Date of Order : 1.11.2007

HON'BLE SHRI N P GUPTA,J.
HON'BLE SHRI MUNISHWAR NATH BHANDARI,J.

ORDER

In the result, proviso to sub-section (1) of Section 65 is held constitutionally valid, thus this D. B. Civil Writ Petition fails on this ground. Accordingly, the writ petition is disposed of as D. B. Civil Writ Petition.

The Registry may register it as S. B. Civil Writ Petition again separately. The provision of proviso to Section 65 (1) of the Rajasthan Stamp Act, 1998 is held to be intra-vires and valid. The matter is directed to be placed before the concerned Single Bench. The concerned Single Bench will obviously consider, as to whether in the facts and circumstances of the present case, he would like to entertain the writ petition, or not, in view of the availability of alternative remedy of revision. (See separate order in Civil Writ Petition No.458 of 2006, M/s. Choksi Heraeus Pvt. Ltd., Udaipur V/s. State & Ors.).

(MUNISHWAR NATH BHANDARI),J. (N P GUPTA),J.

scd